

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Accompanying Tariff of Sigma Networks)
Telecommunications, Inc.)

Case No. XD-2005-_____

**MOTION TO OPEN CASE AND CANCEL
CERTIFICATE OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel the certificate of service authority it granted to Sigma Networks Telecommunications, Inc. to provide intrastate interexchange and nonswitched local exchange telecommunications services, as well as its tariff. In support of its Motion, Staff respectfully states as follows:

1. In October 2000, the Missouri Public Service Commission (Commission) issued its order granting a certificate of service authority to Sigma Networks Telecommunications, Inc. to provide intrastate interexchange and nonswitched local exchange telecommunications services in Case No. TA-2001-56. The company's tariff, MO P.S.C. Tariff No. 1, was approved in the same case.

2. The Company has most recently provided the following contact information to the Commission:

Sigma Networks Telecommunications, Inc.
101 University Ave. Suite 100
Palo Alto, CA 94301-1638

3. The Missouri Secretary of State revoked Sigma Networks Telecommunications, Inc.'s certificate of authority to do business in Missouri on September 2, 2002 because it failed to file its Annual Registration Report. The company was a Delaware corporation. Section 351.602

RSMo. (2000) governs the procedure and effect of revocation of foreign corporations' authority to do business in the state of Missouri. Section 351.602.3 states that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

4. The Company's Missouri registered agent is listed by the Missouri Secretary of State as:

CT Corporation System
120 South Central Avenue
Clayton, MO 63105

5. Sigma Networks Telecommunications, Inc. has not submitted an annual report to the Commission since at least Calendar Year 2002. It has also not submitted Statements of Revenue to the Commission since receiving its certificate of service authority. It owes one minimal estimated assessment to the Commission and has paid another.

6. The telephone number the company provided to the Commission has been disconnected and no further information is available. However, mail does not come back from the address currently on file with the Commission.

7. Staff is not aware that Sigma Networks Telecommunications, Inc. has ever provided interexchange telecommunications services to any Missouri customers. The company does not appear to have ever submitted annual reports or statements of revenue to the Commission and its only assessments were minimal estimates. No customers have contacted the Commission to make complaints, either formal or informal, about Sigma Networks Telecommunications, Inc. since the commencement of the Commission's EFIS system.

8. The same company in the past has sought and obtained approval to abandon service in states such as Maine (Docket No. 2001-431) and Nevada (Case No. 01-6035).

9. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

10. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

11. Thus, the Commission has the authority to cancel the certificate of service authority it granted to Sigma Networks Telecommunications, Inc. in Case No. TA-2001-56 to provide intrastate interexchange and nonswitched local exchange telecommunications services in Case No. TA-2001-56, as well as the company's tariff, MO P.S.C. Tariff No. 1. Such an action is supported because the company has no authority to transact business in the State of Missouri under Section 351.602.3, and because it appears the company has no Missouri customers, nor can the Commission reach the company via telephone.

12. This pleading is being served via certified mail upon the company's registered agent; and also by regular mail on the address it previously has provided the Commission.

WHEREFORE, the Staff requests that, after allowing due time for a response, the Commission grant Staff's Motion and cancel the certificate of service authority it granted to Sigma Networks Telecommunications, Inc. in Case No. TA-2001-56 to provide intrastate interexchange and nonswitched local exchange telecommunications services in Case No. TA-2001-56, as well as the company's tariff, MO P.S.C. Tariff No. 1.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following this 23rd day of May 2005.

/s/ David A. Meyer

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

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101 University Ave. Suite 100
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